



# Federal Register

---

9-7-04

Vol. 69 No. 172

**Tuesday**

**Sept. 7, 2004**

**Pages 53999-54192**



The **FEDERAL REGISTER** (ISSN 0097-6326) is published daily, Monday through Friday, except official holidays, by the Office of the Federal Register, National Archives and Records Administration, Washington, DC 20408, under the Federal Register Act (44 U.S.C. Ch. 15) and the regulations of the Administrative Committee of the Federal Register (1 CFR Ch. I). The Superintendent of Documents, U.S. Government Printing Office, Washington, DC 20402 is the exclusive distributor of the official edition. Periodicals postage is paid at Washington, DC.

The **FEDERAL REGISTER** provides a uniform system for making available to the public regulations and legal notices issued by Federal agencies. These include Presidential proclamations and Executive Orders, Federal agency documents having general applicability and legal effect, documents required to be published by act of Congress, and other Federal agency documents of public interest.

Documents are on file for public inspection in the Office of the Federal Register the day before they are published, unless the issuing agency requests earlier filing. For a list of documents currently on file for public inspection, [www.archives.gov](http://www.archives.gov).

The seal of the National Archives and Records Administration authenticates the **Federal Register** as the official serial publication established under the Federal Register Act. Under 44 U.S.C. 1507, the contents of the **Federal Register** shall be judicially noticed.

The **Federal Register** is published in paper and on 24x microfiche. It is also available online at no charge as one of the databases on GPO Access, a service of the U.S. Government Printing Office.

The online edition of the **Federal Register** [www.gpoaccess.gov/nara](http://www.gpoaccess.gov/nara), available through GPO Access, is issued under the authority of the Administrative Committee of the Federal Register as the official legal equivalent of the paper and microfiche editions (44 U.S.C. 4101 and 1 CFR 5.10). It is updated by 6 a.m. each day the **Federal Register** is published and includes both text and graphics from Volume 59, Number 1 (January 2, 1994) forward.

For more information about GPO Access, contact the GPO Access User Support Team, call toll free 1-888-293-6498; DC area 202-512-1530; fax at 202-512-1262; or via email at [gpoaccess@gpo.gov](mailto:gpoaccess@gpo.gov). The Support Team is available between 7:00 a.m. and 9:00 p.m. Eastern Time, Monday–Friday, except official holidays.

The annual subscription price for the **Federal Register** paper edition is \$749 plus postage, or \$808, plus postage, for a combined **Federal Register**, **Federal Register** Index and List of CFR Sections Affected (LSA) subscription; the microfiche edition of the **Federal Register** including the **Federal Register** Index and LSA is \$165, plus postage. Six month subscriptions are available for one-half the annual rate. The prevailing postal rates will be applied to orders according to the delivery method requested. The price of a single copy of the daily **Federal Register**, including postage, is based on the number of pages: \$11 for an issue containing less than 200 pages; \$22 for an issue containing 200 to 400 pages; and \$33 for an issue containing more than 400 pages. Single issues of the microfiche edition may be purchased for \$3 per copy, including postage. Remit check or money order, made payable to the Superintendent of Documents, or charge to your GPO Deposit Account, VISA, MasterCard, American Express, or Discover. Mail to: New Orders, Superintendent of Documents, P.O. Box 371954, Pittsburgh, PA 15250-7954; or call toll free 1-866-512-1800, DC area 202-512-1800; or go to the U.S. Government Online Bookstore site, [bookstore.gpo.gov](http://bookstore.gpo.gov).

There are no restrictions on the republication of material appearing in the **Federal Register**.

**How To Cite This Publication:** Use the volume number and the page number. Example: 69 FR 12345.

**Postmaster:** Send address changes to the Superintendent of Documents, Federal Register, U.S. Government Printing Office, Washington DC 20402, along with the entire mailing label from the last issue received.

## SUBSCRIPTIONS AND COPIES

### PUBLIC

#### Subscriptions:

Paper or fiche 202-512-1800  
Assistance with public subscriptions 202-512-1806

**General online information** 202-512-1530; 1-888-293-6498

#### Single copies/back copies:

Paper or fiche 202-512-1800  
Assistance with public single copies 1-866-512-1800  
(Toll-Free)

### FEDERAL AGENCIES

#### Subscriptions:

Paper or fiche 202-741-6005  
Assistance with Federal agency subscriptions 202-741-6005

### What's NEW!

#### Federal Register Table of Contents via e-mail

Subscribe to FEDREGTOC, to receive the **Federal Register** Table of Contents in your e-mail every day.

If you get the HTML version, you can click directly to any document in the issue.

To subscribe, go to <http://listserv.access.gpo.gov> and select:

*Online mailing list archives*

*FEDREGTOC-L*

*Join or leave the list*

Then follow the instructions.

### What's NEW!

#### Regulations.gov, the award-winning Federal eRulemaking Portal

Regulations.gov is the one-stop U.S. Government web site that makes it easy to participate in the regulatory process.

Try this fast and reliable resource to find all rules published in the **Federal Register** that are currently open for public comment. Submit comments to agencies by filling out a simple web form, or use available email addresses and web sites.

The Regulations.gov e-democracy initiative is brought to you by NARA, GPO, EPA and their eRulemaking partners.

Visit the web site at: <http://www.regulations.gov>



# Contents

**Federal Register**

Vol. 69, No. 172

Tuesday, September 7, 2004

## **Agriculture Department**

*See* Farm Service Agency

*See* Federal Crop Insurance Corporation

*See* Forest Service

*See* National Agricultural Statistics Service

## **Alcohol, Tobacco, Firearms, and Explosives Bureau**

### **NOTICES**

Agency information collection activities; proposals, submissions, and approvals, 54152–51455

## **Antitrust Division**

### **NOTICES**

National cooperative research notifications:  
Southwest Research Institute, 54155

## **Commerce Department**

*See* International Trade Administration

*See* National Oceanic and Atmospheric Administration

## **Committee for the Implementation of Textile Agreements**

### **NOTICES**

Textile and apparel categories:

Caribbean Basin Trade Partnership Act; commercial availability—

Coated, fusible interlining fabrics, 54133–54134

## **Customs and Border Protection Bureau**

### **RULES**

Technical corrections

Correction, 54179

## **Defense Department**

### **NOTICES**

Agency information collection activities; proposals, submissions, and approvals, 54134

Committees; establishment, renewal, termination, etc.:

Medal of Honor Flag Design Committee, 54134–54135

Federal Acquisition Regulation (FAR):

Agency information collection activities; proposals, submissions, and approvals, 54135–54137

Meetings:

Electron Devices Advisory Group, 54137–54138

## **Education Department**

### **NOTICES**

Special education and rehabilitative services:

Individuals with Disabilities Education Act (IDEA)—

Correspondence; quarterly list, 54138–54139

## **Election Assistance Commission**

### **NOTICES**

Meetings; Sunshine Act, 54139

## **Employment Standards Administration**

### **NOTICES**

Agency information collection activities; proposals, submissions, and approvals, 54155–54156

## **Energy Department**

*See* Energy Information Administration

*See* Western Area Power Administration

## **Energy Information Administration**

### **NOTICES**

Reports and guidance documents; availability, etc.:

Petroleum supply reporting system data; revisions dissemination; policy statement, 54139–54140

## **Environmental Protection Agency**

### **RULES**

Air quality implementation plans; approval and promulgation; various States:

Colorado, 54019–54025

Nevada, 54006–54019

Toxic substances:

Polychlorinated biphenyls (PCBs) articles storage for reuse; supplemental response to comments document availability, 54025–54027

### **PROPOSED RULES**

Air quality implementation plans; approval and promulgation; various States:

Colorado, 54097

Superfund program:

Landowner liability protection; standards for conducting appropriate inquiries into previous ownership, uses, and environmental conditions of property

Meetings, 54097–54098

### **NOTICES**

Reports and guidance documents; availability, etc.:

Acute Exposure Guideline Levels for Hazardous

Substances National Advisory Committee; AEGL

values and technical support documents, 54144–54148

## **Farm Credit Administration**

### **NOTICES**

Meetings; Sunshine Act, 54148

## **Farm Service Agency**

### **PROPOSED RULES**

Special programs:

Ewe Lamb Replacement and Retention Payment Program, 54049–54053

## **Federal Aviation Administration**

### **RULES**

Airspace designations; incorporation by reference, 54000–54002

Airworthiness directives:

Bombardier, 53999–54000

### **PROPOSED RULES**

Airworthiness directives:

Airbus, 54055–54058, 54063–54067

Boeing, 54053–54055, 54058–54063

### **NOTICES**

Agency information collection activities; proposals, submissions, and approvals, 54174

Exemption petitions; summary and disposition, 54174–54175

Passenger facility charges; applications, etc.:

Tri-State Airport, WV, 54175–54176

**Federal Communications Commission****RULES**

Common carrier services:

Satellite communications—

Enhanced 911 requirements; scope, 54037–54042

Radio frequency devices:

Unlicensed devices and equipment approval, 54027–54037

**Federal Crop Insurance Corporation****RULES**

Crop insurance regulations:

Pecans

Correction, 541779

**Federal Highway Administration****NOTICES**

Environmental statements; notice of intent:

Riverside County, CA, 54176–54177

**Federal Railroad Administration****NOTICES**

Exemption petitions, etc.:

Union Pacific Railroad Co., 54177

**Federal Reserve System****NOTICES**

Banks and bank holding companies:

Change in bank control, 54148

Permissible nonbanking activities, 54148–54149

**Fish and Wildlife Service****NOTICES**

Endangered and threatened species and marine mammal permit applications, 54149–54150

Marine mammal permit applications, 54150–54151

**Food and Drug Administration****NOTICES**

Meetings:

Follow-on protein products development; scientific considerations; workshop; correction, 54149

**Forest Service****NOTICES**

Environmental statements; notice of intent:

Caribou-Targhee National Forest, ID, 54099–54100

Meetings:

Resource Advisory Committees—

Fresno County, 54100

Siskiyou County, 54100–54101

**General Services Administration****NOTICES**

Federal Acquisition Regulation (FAR):

Agency information collection activities; proposals, submissions, and approvals, 54135–54137

**Health and Human Services Department**

See Food and Drug Administration

**Homeland Security Department**

See Customs and Border Protection Bureau

**Interior Department**

See Fish and Wildlife Service

See Land Management Bureau

See National Park Service

**Internal Revenue Service****PROPOSED RULES**

Income taxes and procedure and administration:

Stapled foreign corporation; definition and tax treatment, 54067–54072

**NOTICES**

Agency information collection activities; proposals, submissions, and approvals, 54177–54178

Meetings:

Taxpayer Advocacy Panels, 54178

**International Trade Administration****NOTICES**

Antidumping:

Corrosion-resistant carbon steel flat products from—  
Korea, 54101–54108

Cut-to-length carbon steel plate from—  
Romania, 54108–54117

Fresh garlic from—  
China, 54117

Frozen concentrated orange juice from—  
Brazil, 54117–54118

Natural bristle paint brushes and brush heads from China and hot-rolled flat-rolled carbon-quality steel products from Japan, 54118–54119

Small diameter carbon and alloy seamless standard, line, and pressure pipe from—  
Romania, 54119–54125

Small diameter circular seamless carbon and alloy steel standard, line, and pressure pipe from—  
Brazil, 54125–54130

**Justice Department**

See Alcohol, Tobacco, Firearms, and Explosives Bureau

See Antitrust Division

**Labor Department**

See Employment Standards Administration

**Land Management Bureau****NOTICES**

Meetings:

Resource Advisory Councils—

Sierra Front/Northwestern Great Basin et al., 54151–54152

**Morris K. Udall Scholarship and Excellence in National Environmental Policy Foundation****NOTICES**

Meetings:

National Environmental Conflict Resolution Advisory Committee, 54156–54157

**National Aeronautics and Space Administration****NOTICES**

Federal Acquisition Regulation (FAR):

Agency information collection activities; proposals, submissions, and approvals, 54135–54137

Meetings:

Return to Flight Task Group, 54157

**National Agricultural Statistics Service****NOTICES**

Committees; establishment, renewal, termination, etc.:

Agriculture Statistics Advisory Committee, 54101

**National Archives and Records Administration****PROPOSED RULES**

Records management:

Records center facility standards, 54091–54097

**National Oceanic and Atmospheric Administration****RULES**

Fishery conservation and management:

West Coast States and Western Pacific fisheries—

West Coast salmon, 54047–54048

**NOTICES**

Endangered and threatened species:

Anadromous fish take—

Clarke, Michael; San Luis Obispo, CA; steelhead trout,  
54130–54131Washington Fish and Wildlife Department et al.;  
Pacific salmon and steelhead, 54131–54132

Meetings:

Mid-Atlantic Fishery Management Council, 54132

Pacific Fishery Management Council, 54132–54133

**National Park Service****PROPOSED RULES**

Special regulations:

Yellowstone and Grand Teton National Parks and John D.  
Rockefeller, Jr., Memorial Parkway, WY; winter  
visitation and recreational use management, 54072–  
54090**National Science Foundation****NOTICES**Antarctic Conservation Act of 1978; permit applications,  
etc., 54157**Nuclear Regulatory Commission****NOTICES**

Environmental statements; availability, etc.:

Entergy Operations, Inc., 54161–54162

Tennessee Valley Authority, 54162

Regulatory agreements:

Utah; discontinuance of NRC regulatory authority,  
54162–54164

Source material; domestic licensing:

Utah uranium mills and byproduct material disposal  
facilities; alternative groundwater protection  
standards; determination, 54164–54165*Applications, hearings, determinations, etc.:*

Dominion Nuclear North Anna, LLC, 54157–54158

Exelon Generation Co., LLC, 54158–54159

Portland General Electric Co., 54159–54160

System Energy Resources, Inc., 54160–54161

**Personnel Management Office****NOTICES**

Meetings:

Federal Prevailing Rate Advisory Committee, 54165

**Postal Service****RULES**

Domestic Mail Manual

Nonprofit standard mail material; eligibility  
requirements, 54005–54006

Organization, functions, and authority delegations:

Private Express Statutes; obsolete addresses correction,  
54006**Railroad Retirement Board****NOTICES**Agency information collection activities; proposals,  
submissions, and approvals, 54165–54166**Research and Special Programs Administration****RULES**

Hazardous materials:

Regulations clarifications and editorial corrections,  
54042–54047**Securities and Exchange Commission****RULES**

Security futures products:

Margin related to security futures products; reserve  
requirements, 54181–54191**NOTICES**

Public Company Accounting Oversight Board

Non-U.S. registered public accounting firms; oversight;  
proposed rules approved, 54166–54167

Self-regulatory organizations; proposed rule changes:

Chicago Board Options Exchange, Inc., 54167–54169

Depository Trust Co., 54169–54170

Municipal Securities Rulemaking Board, 54170–54172

Options Clearing Corp., 54172–54173

**Small Business Administration****NOTICES**

Disaster loan areas:

Northern Mariana Islands, 54173–54174

Pennsylvania, 54174

**Statistical Reporting Service***See* National Agricultural Statistics Service**Textile Agreements Implementation Committee***See* Committee for the Implementation of Textile  
Agreements**Transportation Department***See* Federal Aviation Administration*See* Federal Highway Administration*See* Federal Railroad Administration*See* Research and Special Programs Administration**Treasury Department***See* Internal Revenue Service**RULES**

Disclosure of records:

Legal proceedings; access to information and records;  
clarification, 54002–54005**Western Area Power Administration****NOTICES**

Dakotas Wind Transmission Study:

Final study scope, 54140–54144

**Separate Parts In This Issue****Part II**

Securities and Exchange Commission, 54181–54191

**Reader Aids**Consult the Reader Aids section at the end of this issue for  
phone numbers, online resources, finding aids, reminders,  
and notice of recently enacted public laws.

To subscribe to the Federal Register Table of Contents  
LISTSERV electronic mailing list, go to [http://](http://listserv.access.gpo.gov)  
[listserv.access.gpo.gov](http://listserv.access.gpo.gov) and select Online mailing list  
archives, FEDREGTOC-L, Join or leave the list (or change  
settings); then follow the instructions.

---

**CFR PARTS AFFECTED IN THIS ISSUE**

---

A cumulative list of the parts affected this month can be found in the Reader Aids section at the end of this issue.

**7 CFR**

457 .....54179

**Proposed Rules:**

784 .....54049

**14 CFR**

39 .....53999

71 .....54000

**Proposed Rules:**

39 (5 documents) .....54053,  
54055, 54058, 54060, 54065

**17 CFR**

200 .....54182

240 .....54182

**19 CFR**

122 .....54179

**26 CFR****Proposed Rules:**

1 .....54067

301 .....54067

**31 CFR**

1 .....54002

**36 CFR****Proposed Rules:**

7 .....54072

1228 .....54091

**39 CFR**

111 .....54005

310 .....54006

320 .....54006

**40 CFR**

52 (2 documents) .....54006,  
54019

761 .....54025

**Proposed Rules:**

52 .....54097

312 .....54097

**47 CFR**

2 .....54027

15 .....54027

25 .....54037

**49 CFR**

106 .....54042

107 .....54042

171 .....54042

172 .....54042

173 .....54042

178 .....54042

179 .....54042

180 .....54042

**50 CFR**

660 .....54047